

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: **Art Unit:** **Docket No.: 3710**

In RE: **Application of Helga ROTHE, et al**

Ser. No.: **10/580,744**

Int. Appl. Date: **November 11, 2004**

September 14, 2007

**PRELIMINARY AMENDMENT RESPONSIVE
TO NOTIFICATION OF DEFECTIVE RESPONSE**

Hon. Commissioner of Patents
and Trademarks,
Washington, D.C. 20231

Sir:

Responsive to the Notice of Defective Response dated August 16, 2007
and the Notice of Missing Requirements dated February 9, 2007, please make
the following changes and consider the following REMARKS:

Amendments to the Claims:

Please add the following claims 6 to 13:

1. (original) Use of a preparation containing a short-chain peptide for protecting skin from hair-treatment agents.
2. (original) Use according to claim 1, characterized in that the protection of the skin from hair-treatment agents refers to agents capable of dyeing, tinting, deforming, hardening, conditioning, softening, repairing or styling hair.
3. (original) Use according to claim 1, characterized in that the protection of the skin from hair-treatment agents refers to agents capable of dyeing or tinting hair.
4. (original) Use according to claim 1, characterized in that the short-chain peptide has a chain-length between 2 and 30 amino acids, preferably between 6 and 15 amino acids and particularly between 6 and 12 amino acids.
5. (original) Use according to claims 1 to 4 for simultaneously protecting the skin from hair-treatment agents and providing skin care.
6. (new) A method of protecting skin from hair-treatment agents applied to the hair during a hair treatment process, said method comprising the steps of:
 - a) preparing a preparation comprising a short-chain polypeptide with a chain-length of between 2 and 30 amino acids; and

b) applying said preparation to the skin prior to performing the hair treatment process.

7. (new) The method as defined in claim 6, in which the preparation is an aqueous solution containing the short-chain polypeptide.

8. (new) The method as defined in claim 7, in which said skin is allowed to dry after the applying and prior to the performing of the hair treatment process.

9. (new) The method as defined in claim 6, in which said chain-length is from 6 to 12 of said amino acids.

10. (new) The method as defined in claim 6, in which the hair treatment process comprises applying a hair treatment composition containing a hair treatment agent and said hair treatment agent is selected from the group consisting of hair dyeing agents, hair coloring agents, hair deforming agents, hair hardening agents, hair conditioning agents, hair softening agents, hair repairing agents and hair styling agents.

11. (new) The method as defined in claim 6, in which said short-chain polypeptide has an amino acid sequence consisting of one of SEQ ID NO: 1 to SEQ ID NO: 100.

12. (new) An aqueous preparation for protecting skin from hair treatment agents applied to the hair during a hair treatment process, said preparation having a pH of from 4.0 to 8.5 and containing water, at least one cosmetic auxiliary agent, and at least one polypeptide with a chain-length of between 2 and 30 amino acids;

wherein said at least one cosmetic auxiliary agent is selected from the group consisting of antioxidants, complexing agents, buffers, preservatives, perfumes, moisturizers and viscosity modifiers.

13. (new) The aqueous preparation as defined in claim 12, in which said at least one polypeptide is a peptide with an amino acid sequence consisting of one of SEQ ID NO: 1 to SEQ ID NO: 100.

Amendments to the Specification:

Please make the following changes in the specification at the indicated locations in the specification:

Page 1, line 3 (between the first paragraph and the title of invention), please insert the following paragraphs and headings:

CROSS-REFERENCE

This is the US National Stage of PCT/EP 2004/012768 filed on November 11, 2004 in Europe, which claims the benefit of priority of invention based on DE 10355743.1 filed November 28, 2003 in Germany. The aforesaid foreign patent application provides the basis for a claim of priority of invention under 35 U.S.C. 119 (a) to (d) for the invention claimed and described herein below.

SEQUENCE LISTING

A written sequence listing for the amino acid sequences of 100 polypeptides of the invention disclosed herein below has been provided. The sequence listing lists SEQ ID NO: 1 to SEQ ID NO: 100 of the polypeptides of the invention.

Copies of these sequences are provided on the written sequence listing appended herein below and on a separately provided computer readable form. The sequence listings on the computer readable form are explicitly incorporated herein by reference thereto and are warranted to be the same as on the written sequence listing provided herein below.

BACKGROUND OF THE INVENTION

Page 1, between the fourth and fifth paragraph of text, please insert the following heading: **SUMMARY OF THE INVENTION**

Page 3, between lines 19 and 20 (after "VTSLRRA" and prior to the start of the next paragraph), please insert the following:

The 100 amino acid sequences for the above-mentioned polypeptides of the invention are listed as SEQ ID NO: 1 to SEQ ID NO: 100 in the appended written sequence listing. The order of the sequences on the written sequence listing is the same as the order of above-listed amino acid sequences.

Page 14, please append the accompanying written SEQUENCE LISTING after page 14.

REMARKS

I. AMENDMENTS TO THE CLAIMS

In addition to the original use claims 1 to 5, new claims 6 to 13 have been added.

New claims 6 to 11 are claims for a method of protecting the skin during a hair treatment procedure, which comprises treating the skin with a preparation containing a short-chain polypeptide. Pages 1 and 2 of the specification and the original claims provide the basis for the subject matter of claims 6 to 10.

New claims 12 and 13 are claims for a composition for protecting the skin during a hair treatment procedure. The composition comprises the short-chain polypeptide, a cosmetic auxiliary agent described on page 9, lines 14 to 23, of applicants' specification and water. The composition has a pH of 4.0 to 8.5, as described on page 3 of the applicants' specification.

II. AMENDMENTS TO THE SPECIFICATION

Some standard section headings have been added to the specification in accordance with 37 C.F.R. 1.77.

A cross-reference has been added to the foreign patent documents that provide a basis for the claim of priority of invention under 35 U.S.C. 119 (a) to (d).

A description of the required sequence listing of the amino acid sequences of the polypeptides listed on pages 2 and 3 of the specification has been added after the cross-reference and prior to the first line of text in accordance with 37 C.F.R. 1.77.

In response to the Notification of Defective Response dated August 16, 2007 a written sequence listing has been added to the specification.

The written sequence listing lists SEQ ID NOs: 1 to 100 of the amino acid sequences of the 100 polypeptides listed on pages 2 and 3 of the specification.

A copy of the written sequence listing is also separately provided on a 3.5" floppy disk in accordance with 37 C.F.R. 1.821.

Entry of the sequence listing with the amino acid sequences of the 100 polypeptides of the invention is respectfully requested.


Furthermore it is respectfully submitted that the content of the written sequence listing **is the same** as the content of the floppy disk (the CRF), which is the same as the content on pages 2 and 3 of the applicants' specification. The single letter code for the amino acid sequences used on pages 2 and 3 of applicants' specification was translated into the required 3-letter code for the amino acid sequences listing. **No new matter has been added in the preparation of the sequence listing.**

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such

amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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